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09/500,601	02/08/2000	Enrique David Sancho	A-363-1 US	2846

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EXAMINER
WINTER, JOHN M

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

PRG

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claims 1-4 have been examined

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "fingerprint programming" is unclear, since there is not resolution of this term within the specification

Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "buyer computer requesting to purchase merchandise to said vendor server" is unclear.

Claim 4 recites the limitation "MC". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1- 2 are rejected under 35 U.S.C. 102(e) as being unpatentable over Gottfried (US Patent 6,270,011)

As per claim 1,
Gottfried ('011) discloses a system for performing a secured transaction between a buyer's PC, a vendor server, a creditor server and a security server, wherein said buyer's PC has received fingerprint programming from said security server. (column 3, lines 26-32, also figure 6)

As per claim 2,

Gottfried ('011) discloses a system for performing a secured transaction according to claim 1, wherein said buyer's PC has received encryption programming and decryption programming from said security server.(column 6, lines43-58)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronin et al. (US Patent 5,905,736) in view of Gottfried (US Patent 6,270,011).

As per claim 3,
Ronin et al (736) discloses a method for performing secure electronic transactions on a computer network, said network comprising a buyer's computer, a vendor server, a creditor server and a security server, said buyer's computer having a fingerprint file stored in the memory thereof, including the stops of:
buyer computer requesting to purchase merchandise to said vendor server,said purchase request including said buyer computer's IP address;(figure 1)
buyer computer selecting a predetermined form of secured payment method;(figure 1, also column 6, lines 25-29)
payment method selection causing said vendor server to transmit to said security server a request for confirmation of said buyer computers identity at said buyer computer's IP address;(figure 3, label 211)
Ronin et al (736) does not specifically discloses said confirmation request causing said security server to send a retrieval request to said IP address, said retrieval request including a retrieval program for detecting and retrieving said buyer's computer's fingerprint file, and said retrieval request further comprising a response request asking for confirmation of said purchase request; whereby a positive response from said buyer's computer to said security server accompanied by said fingerprint file causes said security server to confirm said buyer computer's identity to said vendor server and to approve said purchase. Gottfried ('011) discloses said confirmation request causing said security server to send a retrieval request to said IP address, said retrieval request including a retrieval program for detecting and retrieving said buyer's computer's fingerprint file, and said retrieval request further comprising a response request asking for confirmation of said purchase request; whereby a positive response from said buyer's computer to said security server accompanied by said fingerprint file causes said security server to confirm said buyer computer's identity to said vendor server and to approve said purchase. (column 3 lines 26-37)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ronin et al. method with the Gottfried ('011) method in order to perform secure electronic transactions on a computer network that wer everified by a users fingerprint because fingerprint identification is difficult for the average user to forge.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronin et al. (US Patent 5,905,736) in view of Official Notice.

As per claim 4,
Ronin et al (736) discloses a method of performing secure electronic transactions on a computer network, said network comprising a buying computer, an ISP computer and a vendor computer, Including the steps of;
said ISP computer assigning to buying computer a Buyer-ID code and IP address;(column 2, lines 8-13)
said buying computer communicating via said ISP computer with said vendor computer and allowing an operator fo select merchandise or services for purchase;(Figure 1, also column 4, lines 20-29)
said Buyer-ID and buyer computer's IP address are provided to vendor computer programmed to request and receive said information;(column 5, lines 18-24)
vendor computer is programmed to use Buyer-10 and BC's current IP address along with Information such as desired Item ID, cost and name for generating an electronic purchase inquiry which is transmitted to ISP computer; (Figure 3, label 223)
whereby if buyer computer Is determined to be connected to ISP computer at correct address, ISP computer then generates and transmits Transaction Confirmation Number and instructs MC to generate and forward invoice to a ISP computer. (Figure 2, label 217)

Ronin et al (736) does not specifically disclose ISP is programmed such that upon receipt of purchase inquiry from MC, ISP uses combination of IP address and Buyer-ID to determine within ISP'S internal network whether Buyer is in fact still online at the address assigned at the beginning of the online session;
Official Notice is taken that "ISP is programmed such that upon receipt of purchase inquiry from MC, ISP uses combination of IP address and Buyer-ID to determine within ISP'S internal network whether Buyer is in fact still online at the address assigned at the beginning of the online session" is common and well known in prior art in reference to online transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine that the buyer is online at the address assigned at the beginning of the online session because the transaction cannot be completed otherwise.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bogosian Jr. (US Patent 5,513,272).